

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**DEBRA PLACETTE aka  
DEBRA INNOCENTI  
Plaintiff,**

**v.**

**CITIMORTGAGE, INC. and CENLAR FSB  
Defendants.**

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**CIVIL ACTION NO. 21-CV-01130-FB**

**DEFENDANTS' UNOPPOSED MOTION TO DISMISS**

Defendants, CITIMORTGAGE, Inc. (“CitiMortgage”) and CENLAR FSB (“Cenlar”) (collectively, “Defendants”), respectfully move for the entry of an order dismissing Plaintiff’s Original Petition, Application for Temporary Restraining Order, and Application for Temporary Injunction without prejudice.

1. Defendants filed a notice of removal, removing this case from state court to this Court. (D.E. 1).

2. After serving Plaintiff with the notice of removal, Plaintiff informed Defendants that he had nonsuited the state court case a few hours before the notice of removal was filed. A true and correct copy of the Nonsuit is attached hereto as Exhibit A.

3. Because the Nonsuit was effective upon filing, there was no active case to remove to federal court.

4. The undersigned has conferred with Plaintiff’s counsel regarding this motion and Plaintiff is unopposed. Plaintiff’s counsel has applied for admission in the Western District but the application is still pending; therefore, this dismissal is being sought as an unopposed motion rather than as a joint stipulation of dismissal.

5. Defendants request that this case be dismissed without prejudice and closed.

WHEREFORE, for the foregoing reasons, Defendants, CITIMORTGAGE, Inc. and CENLAR FSB, respectfully request that this Court dismiss Plaintiff's Complaint without prejudice, and grant any other and further relief as this Court deems just and proper.

Date: December 13, 2021.

Respectfully submitted,

By: /s/ Sabrina A. Neff  
Sabrina A. Neff  
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ATTORNEY FOR DEFENDANTS  
CITIMORTGAGE, INC. and CENLAR FSB

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that she conferred with Plaintiff's counsel, Brian Marks, via email on December 8, 2021 and via teleconference on December 13, 2021 regarding the relief requested herein. Plaintiff is unopposed.

By: /s/ Sabrina A. Neff  
Sabrina A. Neff

**CERTIFICATE OF SERVICE**

A copy of the foregoing Motion to Dismiss without Prejudice has been served upon the following on this 13<sup>th</sup> day of December, 2021:

Brian A. Marks      **Via ECF: bamlawtx@gmail.com**  
THE LAW OFFICE OF BRIAN A. MARKS, PLLC  
2318 NW Military Hwy  
San Antonio, Texas 78231

*Counsel for Plaintiffs*

By: /s/ Sabrina A. Neff  
Sabrina A. Neff